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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BRANCH BANKING AND TRUST
COMPANY,

Plaintiff,

v.

SAIID FOROUZAN RAD; and R. PHILLIP
NOURAFCHAN,

Defendants.

CASE NO.: 2:14-cv-01947-APG-PAL

**STIPULATION AND ORDER TO
CONTINUE HEARING DATE ON
DEFENDANT'S MOTION TO DISMISS**

Defendants Saiid Forouzan Rad ("Rad")¹ and Phillip Nourafchan ("Nourafchan") (Rad and Nourafchan shall collectively be referred to as the "Defendants" hereafter) and Plaintiff Branch Banking and Trust Company ("Plaintiff"), by and through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS,

1. On November 21, 2014, Plaintiff commenced the above-captioned action against Defendants. *Docket No. 1.*

2. On February 2, 2015, Defendants filed a Motion to Dismiss (the "Motion to Dismiss"). *Docket No. 9.*

¹ The Estate of Saiid Forouzan and Akbar Rastgoo Damavandi, Special Administrator (the "Estate") is proposed to be substituted in place of Defendant Saiid Forouzan Rad as set forth in the Motion to Substitute Party Pursuant to FRCP 25(a) filed on August 28, 2015 [Dkt. No. 29].

1 3. On February 27, 2015, Plaintiff filed an Opposition to Defendants' Motion to
2 Dismiss. *Docket No. 16.*

3 4. On March 9, 2015, Defendants filed a Reply in Support of Defendants' Motion to
4 Dismiss. *Docket No. 18.*

5 5. As of the date of filing this Stipulation, other than the Motion to Substitute Party
6 Pursuant to FRCP 25(a) [Dkt. No. 29], no other motions are currently pending.

7 6. Oral Argument has been set on Defendant's Motion to Dismiss for September 17,
8 2015 at 02:00 PM at the Thomas & Mack Moot Court Room at UNLV's Boyd School of Law
9 before Judge Andrew P. Gordon.

10 7. On September 17, 2015, Defendants' counsel Richard F. Holley, Esq. will be
11 traveling en route to Wilmington, Delaware to appear in Bankruptcy Court in an unrelated
12 matter; and Defendants' counsel Ogonna M. Brown, Esq. will appear at an unrelated bankruptcy
13 hearing.

14 8. The parties' discovery plan/scheduling order was entered on March 10, 2015.
15 *Docket No. 20.*

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1 ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED THAT:

2 1. The Parties agree to continue the oral argument on the hearing for the Motion to
3 Dismiss to September 23, 2015, or September 25, 2015, at 2:00 p.m., subject to the Court's
4 availability.

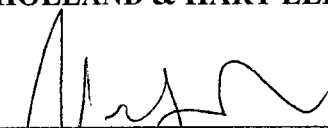
5 2. The Parties respectfully request the Court's entry of order approving this
6 stipulation.

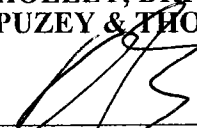
7 Dated: 9/8/15

Dated: September 8, 2015

8 **HOLLAND & HART LLP**

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17 *Attorneys for Branch Banking and Trust
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*Attorneys for Saiid Forouzan Rad and R. Phillip
Nourafchan*

18 **IT IS ORDERED:** The hearing regarding the Motion to Dismiss [9] set for Thursday, September 17, 2015 is
19 **VACATED** and **CONTINUED** to Wednesday, September 23, 2015 at 2:00 p.m. in Courtroom 6C.

20 **IT IS SO ORDERED:**

21 
22 **UNITED STATES DISTRICT JUDGE**

23 DATED: September 8, 2015
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